

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 79

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BILL L. DAVIS and JESSE S. WILLIAMSON

Appeal No. 2003-1231
Application 09/315,796

ORDER DISMISSING APPEAL

MAILED

MAY 21 2004

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before HARKCOM, Acting Chief Administrative Patent Judge, WILLIAM F. SMITH,
Administrative Patent Judge, and GARRIS, Administrative Patent Judge.

Per curiam.

On May 13, 2004, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114 (Paper No. 78). Pursuant to the notice entitled “Request for Continued Examination Practice and Changes to Provisional Application Practice,” 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, “will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.”

Appeal No. 2003-1231
Application 09/315,796

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

~~GARY V. HARKCOM~~, Acting Chief
Administrative Patent Judge

Administrative Court Judge

WILLIAM F. SMITH

Administrative Patent Judge

~~BRADLEY R GARRIS~~

Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

GVH:td1

Appeal No. 2003-1231
Application No. 09/315,796

Sanford E. Warren, Jr.
Gardere, Wynne, Sewell LLP
1601 Elm Street, Suite 3000
Dallas, TX 75201-4761

U.S. PATENT AND TRADEMARK OFFICE